

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

**STANLEY LEE BROWN, JR., et al,**  
*Plaintiffs*

v.

**CITY OF LYNCHBURG, et al,**  
*Defendants.*

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**CASE NO. 6:24cv00039**

**PLAINTIFF’S MEMORANDUM IN OPPOSITION TO THE RULE 12(B)(6) MOTION  
TO DISMISS (ECF 24) FILED BY DEFENDANT GARRETT WATERMAN**

COME NOW the Plaintiffs, Stanley Lee Brown, Jr. and Da’Quan Hunt, by counsel, in opposition to Defendant City of Lynchburg’s Motion to Dismiss Counts 5 and 12 of the First Amended Complaint (“FAC”) (ECF 22), to-wit:

**ARGUMENT**

The City of Lynchburg contends that the Plaintiffs have not alleged a plausible *Monell* claim in Counts Seven and Fourteen of the First Amended Complaint. Each of the Plaintiffs specifically alleged that that Defendant Waterman, acting in his capacity as an LPD officer, had previously conducted four unconstitutional body cavity searches within the last four years. FAC ¶¶ 79 a-d The First Amended Complaint alleged that the City was on notice of this pattern of conduct but did nothing to stop it. FAC ¶ 130 The allegations are specific to dates and details. These facts are sufficient to demonstrate the pattern necessary to state a plausible *Monell* claim. The City of Lynchburg’s Motion to dismiss should be overruled.

Respectfully submitted,

**STANLEY LEE BROWN, JR. and DA’QUAN HUNT**  
**By Counsel**

/s/ M. Paul Valois

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### **CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of November, 2024, I electronically filed the foregoing Memorandum with the Clerk of this Court using the CM/ECF system, which will automatically send notice of this filing to all counsel of record.

/s/ M. Paul Valois